

**Introduced by Senator Chesbro**

February 22, 2005

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An act to amend Sections 13332.09, 14669, 19080.3, and 19836 of the Government Code, relating to the California Conservation Corps.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 1095, as introduced, Chesbro. California Conservation Corps: powers and duties.

Existing law establishes the California Conservation Corps and prescribes the functions and duties of the corps.

Existing law requires state agencies, with regard to contracts for the acquisition of motor vehicles or general mobile equipment for a state agency to be made by or under the supervision of the Department of General Services.

This bill would authorize the Director of the California Conservation Corps, if he or she determines that exigent circumstances exist warranting prompt action, to make any necessary operational changes with respect to the procurement or management of its motor vehicle fleet, without prior approval from the Department of General Services.

Existing law authorizes the Director of General Services to hire, lease, lease-purchase, or lease with the option to purchase any real or personal property for the use of any state agency, including the Department of General Services, if he or she deems the hiring or leasing is in the best interests of the state.

This bill would authorize the Director of the California Conservation Corps, if he or she determines that exigent circumstances exist warranting prompt action, to lease facilities required for program needs without the review or approval of the



Office of Real Estate and Design in the Department of General Services or of the department.

Existing law provides that limited term appointments shall be made only for temporary staffing needs and shall not individually or consecutively exceed one year, but authorizes the State Personnel Board to permit limited term appointments of up to a total of 2 years duration when a permanent appointment would be likely to cause a layoff, demotion, or mandatory transfer requiring a change of residence upon the conclusion of the temporary staffing need.

This bill would authorize the Director of the California Conservation Corps, if he or she determines that exigent circumstances exist warranting prompt action, to make limited term appointments, for a term not to exceed 2 years, without the approval of the State Personnel Board.

Existing law authorizes the Department of Personnel Administration to allow payment at any step above the minimum salary limit to classes or positions in order to meet employment recruitment problems, to obtain a person who has extraordinary classifications, to correct salary inequities resulting from actions by the department or board, or to give credit for prior state service in connection with appointments, promotions, reinstatements, transfers, reallocations, or demotions.

This bill would authorize the Director of the California Conservation Corps, if he or she determines that exigent circumstances exist warranting prompt action, to appoint a person who possesses extraordinary qualifications to a position with the corps, at a salary range above the minimum salary for that position or class.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) The California Conservation Corps functions as an
- 4 entrepreneurial and incentive-based program, and should be
- 5 afforded greater flexibility with respect to its authority to receive
- 6 and expend funds, hire staff, manage its fleet, and enter into
- 7 leases and agreements for facilities needed for corps purposes.



1 (b) The California Conservation Corps should have the  
2 authority to receive and expend funds for corps purposes without  
3 cumbersome notification requirements imposed by the  
4 Legislature and the Department of Finance.

5 (c) The Director of the California Conservation Corps should  
6 have the authority to hire, reclassify, transfer, reallocate  
7 positions, or reassign staff without prior notification to the  
8 Department of Finance or the State Personnel Board.

9 (d) The Director of the California Conservation Corps should  
10 have the authority to make limited-term appointments, and  
11 appoint certain individuals who possess extraordinary  
12 qualifications to staff positions with the corps at salary ranges  
13 above the minimum salary range without the approval of the  
14 State Personnel Board.

15 (e) The California Conservation Corps should have the  
16 authority to lease facilities needed for corps' purposes without  
17 the approval of the Department of General Services Office of  
18 Real Estate and Design.

19 (f) The California Conservation Corps should have the  
20 authority to procure and manage its fleet without the review and  
21 approval of the Department of General Services Office of Fleet  
22 Administration.

23 SEC. 2. Section 13332.09 of the Government Code is  
24 amended to read:

25 13332.09. (a) No purchase order or other form of  
26 documentation for acquisition or replacement of motor vehicles  
27 shall be issued against any appropriation until the Department of  
28 General Services has investigated and established the necessity  
29 therefor.

30 (b) A state agency may not acquire surplus mobile equipment  
31 from any source for program support until the Department of  
32 General Services has investigated and established the necessity  
33 therefor.

34 (c) Notwithstanding any other provision of law, all contracts  
35 for the acquisition of motor vehicles or general use mobile  
36 equipment for a state agency shall be made by or under the  
37 supervision of the Department of General Services. Pursuant to  
38 Section 10298 the Department of General Services may collect a  
39 fee to offset the cost of the services provided.



(d) All passenger-type motor vehicles purchased for state officers and employees, except constitutional officers, shall be American-made vehicles of the light class, as defined by the State Board of Control, unless excepted by the Director of General Services on the basis of unusual requirements, including, but not limited to, use by the California Highway Patrol, that would justify the need for a motor vehicle of a heavier class.

(e) No general use mobile equipment having an original purchase price of twenty-five thousand dollars (\$25,000) or more shall be rented or leased from a nonstate source and payment therefor made from any appropriation for the use of the Department of Transportation, without the prior approval of the Department of General Services after a determination that comparable state-owned equipment is not available, unless obtaining approval would endanger life or property, in which case the transaction and the justification for not having sought prior approval shall be reported immediately thereafter to the Department of General Services.

(f) *Notwithstanding any other provision of law, the Director of the California Conservation Corps may, if he or she determines that exigent circumstances exist warranting prompt action, make any necessary operational changes with respect to the procurement or management of its motor vehicle fleet, without prior approval from the Department of General Services.*

(g) As used in this section:

(1) “General use mobile equipment” means equipment that is listed in the Mobile Equipment Inventory of the State Equipment Council and which is capable of being used by more than one state agency, and shall not be deemed to refer to equipment having a practical use limited to the controlling state agency only. Section 575 of the Vehicle Code shall have no application to this section.

(2) “State agency” means a state agency, as defined pursuant to Section 11000, and each campus of the California State University. The University of California is requested and encouraged to have the Department of General Services perform the tasks identified in this section with respect to the acquisition or replacement of motor vehicles by the University of California.

SEC. 3. Section 14669 of the Government Code is amended to read:



1 14669. (a) The director may hire, lease, lease-purchase, or  
2 lease with the option to purchase any real or personal property  
3 for the use of any state agency, including the Department of  
4 General Services, if he or she deems the hiring or leasing is in the  
5 best interests of the state.

6 (b) The director shall not enter into a lease-purchase  
7 agreement that involves office space, unless specifically  
8 authorized to do so by the Legislature. The director shall solicit  
9 written bids for any lease-purchase that involves office space in a  
10 newspaper of general circulation in the county in which the  
11 project is located. All bids received shall be publicly opened and  
12 the lease awarded to the lowest responsible bidder. If the director  
13 deems the acceptance of the lowest responsible bid is not in the  
14 best interest of the state, he or she may reject all bids.

15 (c) Notwithstanding Section 7550.5, by March 1st of each  
16 year, the director shall prepare a report listing all leases entered  
17 into in the prior calendar year with an option to purchase with  
18 another entity, public or private, that involve office space. The  
19 report shall be submitted to the Chairperson of the Joint  
20 Legislative Budget Committee and the chairperson of the  
21 committee of each house of the Legislature that considers  
22 appropriations.

23 *(d) Notwithstanding any other provision of law, the Director*  
24 *of the California Conservation Corps may, if he or she*  
25 *determines that exigent circumstances exist warranting prompt*  
26 *action, lease facilities required for program needs without the*  
27 *review or approval of the Office of Real Estate and Design in the*  
28 *Department of General Services or of the department.*

29 SEC. 4. Section 19080.3 of the Government Code is amended  
30 to read:

31 19080.3. (a) Limited term appointments shall be made only  
32 for temporary staffing needs and shall not individually or  
33 consecutively exceed one year, ~~provided~~ *except* that the board  
34 may authorize limited term appointments of up to a total of two  
35 years' duration when a permanent appointment would be likely to  
36 cause a layoff, demotion, or mandatory transfer requiring a  
37 change of residence upon the conclusion of the temporary  
38 staffing need. Limited term appointments may be extended  
39 within the time limits prescribed by this section without making  
40 an additional appointment.



1     **(b)** *Notwithstanding any other provision of law, the Director*  
2 *of the California Conservation Corps may, if he or she*  
3 *determines that exigent circumstances exist warranting prompt*  
4 *action, make limited term appointments, for a term not to exceed*  
5 *four years, without the approval of the State Personnel Board.*

6     SEC. 5. Section 19836 of the Government Code is amended  
7 to read:

8     19836. (a) The department may authorize payment at any  
9 step above the minimum salary limit to classes or positions in  
10 order to meet recruiting problems, to obtain a person who has  
11 extraordinary qualifications, to correct salary inequities resulting  
12 from actions by the department or State Personnel Board, or to  
13 give credit for prior state service in connection with  
14 appointments, promotions, reinstatements, transfers,  
15 reallocations, or demotions. Other salary adjustments within the  
16 salary range for the class may be made upon the application of  
17 the appointing power and with the approval of the director.  
18 Adjustments within the salary range authorized by this section  
19 may be either permanent or temporary and may be made  
20 retroactive to the date of application for this change.  
21 *Notwithstanding any other provision of law, the Director of the*  
22 *California Conservation Corps may, if he or she determines that*  
23 *exigent circumstances exist warranting prompt action, appoint a*  
24 *person who possesses extraordinary qualifications to a position*  
25 *with the corps, at a salary above the minimum salary for that*  
26 *position or class.*

27     (b) If the provisions of this section are in conflict with the  
28 provisions of a memorandum of understanding reached pursuant  
29 to Section 3517.5, the memorandum of understanding shall be  
30 controlling without further legislative action, except that if the  
31 provisions of a memorandum of understanding require the  
32 expenditure of funds, the provisions shall not become effective  
33 unless approved by the Legislature in the annual Budget Act.